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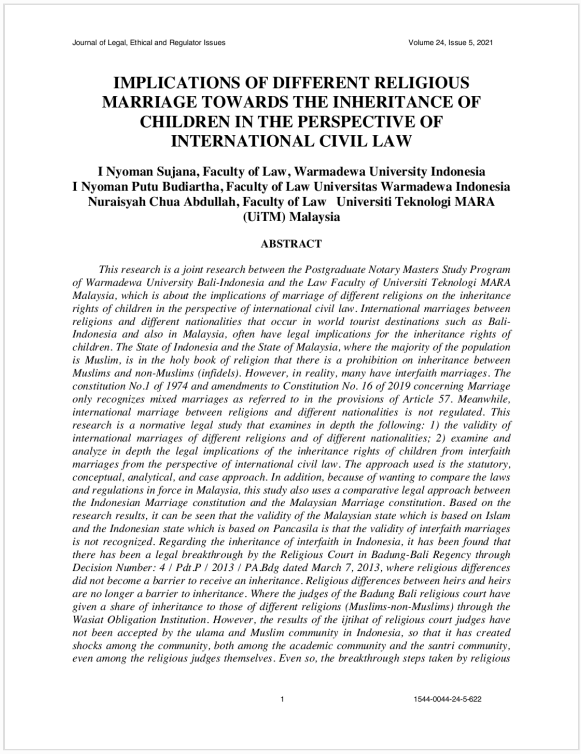

IMPLICATIONS OF DIFFERENT RELIGIOUS MARRIAGE TOWARDS THE INHERITANCE OF CHILDREN IN THE PERSPECTIVE OF INTERNATIONAL CIVIL LAW

I Nyoman Sujana, Faculty of Law, Warmadewa University Indonesia
I Nyoman Putu Budiartha, Faculty of Law Universitas Warmadewa Indonesia
Nuraisyah Chua Abdullah, Faculty of Law Universiti Teknologi MARA (UiTM) Malaysia

ABSTRACT

This research is a joint research between the Postgraduate Notary Masters Study Program of Warmadewa University Bali-Indonesia and the Law Faculty of Universiti Teknologi MARA Malaysia, which is about the implications of marriage of different religions on the inheritance rights of children in the perspective of international civil law. International marriages between religions and different nationalities that occur in world tourist destinations such as Bali-Indonesia and also in Malaysia, often have legal implications for the inheritance rights of children. The State of Indonesia and the State of Malaysia, where the majority of the population is Muslim, is in the holy book of religion that there is a prohibition on inheritance between Muslims and non-Muslims (infidels). However, in reality, many have interfaith marriages. The constitution No.1 of 1974 and amendments to Constitution No. 16 of 2019 concerning Marriage only recognizes mixed marriages as referred to in the provisions of Article 57. Meanwhile, international marriage between religions and different nationalities is not regulated. This research is a normative legal study that examines in depth the following: 1) the validity of international marriages of different religions and of different nationalities; 2) examine and analyze in depth the legal implications of the inheritance rights of children from interfaith marriages from the perspective of international civil law. The approach used is the statutory, conceptual, analytical, and case approach. In addition, because of wanting to compare the laws and regulations in force in Malaysia, this study also uses a comparative legal approach between the Indonesian Marriage constitution and the Malaysian Marriage constitution. Based on the research results, it can be seen that the validity of the Malaysian state which is based on Islam and the Indonesian state which is based on Pancasila is that the validity of interfaith marriages is not recognized. Regarding the inheritance of interfaith in Indonesia, it has been found that there has been a legal breakthrough by the Religious Court in Badung-Bali Regency through Decision Number: 4 / Pdt.P / 2013 / PA.Bdg dated March 7, 2013, where religious differences did not become a barrier to receive an inheritance. Religious differences between heirs and heirs are no longer a barrier to inheritance. Where the judges of the Badung Bali religious court have given a share of inheritance to those of different religions (Muslims-non-Muslims) through the Wasiat Obligation Institution. However, the results of the ijtihat of religious court judges have not been accepted by the ulama and Muslim community in Indonesia, so that it has created shocks among the community, both among the academic community and the santri community, even among the religious judges themselves. Even so, the breakthrough steps taken by religious

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judges with compulsory will in matters of interfaith inheritance have received highly commendable appreciation from those who fight for egalitarianism and pluralism in Indonesia.

Keywords: International Marriage, Different Religions, Inheritance Rights of Children, International Civil Law.

INTRODUCTION

Humans do have a nature in their lives to be attracted to each other of the opposite sex, and then they will mutually establish deep relationships as husband and wife in a marriage bond in accordance with the applicable rules in society. Human interest in one another with the opposite sex cannot be limited by anything, including differences, ethnicity, race, or religion and even different nationalities.

In Indonesia, marriage matters actually fall under the realm of private law or civil law, all of which are regulated in detail in the provisions of Article 26 to Article 498 of the Civil Code. Because this rule came into effect since the Dutch colonial era, of course it was adapted to the structure and culture of the Indonesian nation which was uniquely diverse, where the marriage institution was heavily influenced by ethnicity, race, and religion. The pluralism of The Constitution of Marriage in Indonesia up to now continues to characterize the life of the Indonesian nation, even though The Constitution of Marriage has been promulgated since 1974. This has happened along with advances in information technology that have penetrated world borders, including the occurrence of international marriages between religions and different nationalities.

Taking into account the religious pluralism adhered to by the majority of Indonesia's population, the majority of who adhere to Islam, as well as in Malaysia, it is possible that in these two countries there will be international interfaith marriages, where one of the brides adheres to a religion Islam. For this reason, it is inevitable that there will be marriages between the young people who have an affair to go to the ark of a household where each other has different religions and even different nationalities.

Differences in religion and nationality, of course, will result in regulations that regulate the marriage. So, it can be declared legal. Talking about the regulations governing marriage, it has developed in accordance with developments in society, including being influenced by knowledge, beliefs and religions adopted in the community concerned.

According to Indonesian law, interfaith marriages are not regulated, while marriages with different nationalities which are conducted are categorized as mixed marriages, provided that one of the partners is an Indonesian citizen as stipulated in the provisions of Article 57 of Constitution Number 16 of 2019 concerning Amendments to the Constitution Number 1 of 1974 concerning Marriage, hereinafter referred to as The Constitution of Marriage. International marriages between religions and different nationalities that take place abroad are not clearly regulated, resulting in a confusion of norms. Because the Indonesian Marriage Constitution only recognizes mixed marriages, in the event that such international marriages can lead to multiple interpretations, some qualify as mixed marriages, and some state that the marriage contains foreign elements, so it is subject to the provisions of international civil law, which will ultimately have implications for the validity of the marriage being carried out. In addition, it will also result in inheritance problems, considering that each party is subject to a different legal system.

Based on the description above, the legal issues to be examined in this research are as follows:

1. How legal are international interfaith marriages under Indonesian law and Malaysian law?

2. What are the juridical implications of international interfaith marriage on the inheritance rights of children under Indonesian law and Malaysian law as seen from the international civil law?

LITERATURE REVIEW

Love is blind, and will blind those who have lost their minds. Religion has sometimes been unable to make clear the steps taken. Likewise in the institution of marriage, even more so in international marriage, so that if love is attached, whatever obstacles there are, and they will definitely be overcome.

In this era, in Indonesia there were many international marriages that were carried out outside the provisions of the applicable laws, not only because of the influence of love but also often smuggling of laws to legalize business ventures carried out in Indonesia by utilizing marriage institutions. Many people who because of love want to step up the ladder of marriage often bypass the applicable laws, especially for those of different religions and even different nationalities. And it is not uncommon for some of them to marry for the sake of business regardless of their religious differences, so they get rejection from the civil registry office as a marriage registration institution and are entitled to issue a marriage certificate (ali, 2007).

Interfaith marriages referred to in this study are international marriages between the prospective bride and groom who have different religions and nationalities. Marriages between religions are not regulated in The Constitution of Marriage and Government Regulation Number 9 of 1975. The Constitution only regulates marriages between foreign nationals and Indonesian citizens, or often referred to as mixed marriages.

Mixed marriage is a marriage between two people who in Indonesia are subject to different laws due to different nationalities and one of the parties is an Indonesian citizen (Supramono, 2014). This is normatively regulated in the provisions of Article 57 of The Constitution of Marriage. Meanwhile, the Islamic Law Compilation does not explicitly regulate it. In the compilation discourse, what is seen in the case of mixed marriages is the religious law and beliefs of the prospective bride and groom. In the provisions of Article 58 of The Constitution of Marriage, it is stipulated that people of different nationalities who conduct mixed marriages can obtain citizenship from their husband / wife and may also lose their citizenship, according to the methods stipulated in the applicable citizenship law of the Republic of Indonesia.

If a marriage contains foreign elements, it means that the type of marriage will be controlled by International Civil Law (Isnaeni, 2016), not necessarily under the control of internal civil law instruments, in this case The Constitution of Marriage automatically. Based on these reasons, if there is a type of marriage in which it contains a relevant foreign element, it means that the marriage is included in the HPI domain, it will be more appropriate if it is called an international marriage (Isnaeni, 2016).

METHOD

This research is a normative legal research, with using a statutory approach, a conceptual approach and a case approach; because in determining the validity of international marriages with different religions and different nationalities, there is still a blur of norms as referred to in the provisions of Article 2 paragraph (1) and paragraph (2) of The Constitution of Marriage. In addition to completing the discussion on issues related to marriages with different nationalities, a comparative law approach with the Malaysian state marriage law is also used. Considering that

gaps are still found in the formulation of norms and legal behavior in the community, more so with regard to the registration of international marriages that are carried out abroad so that they can be recognized in the country of Indonesia. In this case, the aspect of international civil law cannot be ruled out. Sources of legal materials are in the form of primary legal materials in the form of The Constitution of Marriage by the Indonesian and Malaysian States, as well as secondary legal materials in the form by books, journals, as well as research results from previous researchers relevant to the issues being studied. Legal materials were collected using documentation and recording techniques using a file system and then analyzed using hermenuetic techniques to provide justification for the obscure norms.

RESULT AND DISCUSSION

The Legality of Marriages with Different Religions and Different Nationalities According to Indonesian Law

Related to the aims of this research is a collaborative study between two countries, namely Indonesia and Malaysia, then by referring to the general description of the state of Indonesia and the state of Malaysia where the two countries have multi-ethnic, multi-communal, and multi-religious communities, the majority are Muslims. So that elements of the Islamic religion will be very influential in determining the validity of a marriage between religions.

According to the Constitution Marriage of Indonesian, the validity of a marriage is determined by the law of each religion and belief (article 2 paragraph (1)). The existence of the phrase “the law of each religion and its beliefs” indicates a blurred norm in the event of interfaith marriages. Since the provisions of Article 2 paragraph (1) open up various interpretations of the validity of marriage in the event that the prospective bride and groom are of different religions and also different nationalities, it is clear that there are foreign elements involved. For this reason, in order to determine the validity of interfaith and different nationality marriages, it is clear that one must also look at the place where the marriage takes place, apart from fulfilling the provisions of Article 2 paragraph (1) and paragraph (2) of The Constitution of Marriage. Because this is not necessarily subject to Indonesian law alone, but must refer to the provisions of Civil International Law.

Taking into account that the majority of Indonesia adheres to the Muslim religion, has never recognized the existence of a marriage outside of the Islamic religion, meaning that it is impossible to have a marriage between a Muslim and a *Musyrik* Ahmad Musthafa al-Maraghi (2013) stated that what is meant by polytheism is those who do not have a book and do not believe in Muhammad Saw. as an Apostle. Meanwhile, by drawing conclusions from several verses and hadiths, the *Ulama* strongly emphasize religion (al-din) as one of the aspects that determine the validity of marriage (al-Maraghi, 2013).

With regard to marriages with different nationalities, the basis for determining the validity of marriages between religions and different nationalities is the provision of article 56 of The Constitution of Marriage which stipulates that:

(1) A marriage that is entered into outside Indonesia between two Indonesian citizens or an Indonesian citizen and a foreign citizen is valid if it is carried out according to the law in force in the country where the marriage is taking place and for Indonesian citizens it does not violate the provisions of this law.

(2) Within 1 (one) year after the husband and wife return to Indonesian territory, proof of their marriage must be registered at the marriage registration office where they live.

The phrase "*for Indonesian citizens does not violate the provisions of this Constitution*" is what creates a vague norm, because for the validity of a marriage according to Indonesian law it is necessary to comply with the provisions of Article 2 paragraph (1) and paragraph (2), where marriage is legal if done according to the law of each religion and belief. Meanwhile, international marriages can be carried out abroad which do not require religious elements as a legal condition for a marriage, especially interfaith marriages..

Hazairin (1986) gave an interpretation of article 2 paragraph (1) by saying that for Muslims there is no possibility of getting married by violating the laws of their own religion.

Based on these hadiths, it can be seen that it is not legal for Muslims to have a marriage relationship with polytheists, whether it be a wife or taking a husband, because a wife will become the husband's trust, which is given the mandate for her soul, children and assets and this will not be realized by mere beauty.

In Hinduism there is no known interfaith marriage. This happens because before marriage a religious ceremony must be performed. If one of the prospective brides is not a Hindu, then he is obliged to follow the Hindu religion known as the "sudiwedani" ceremony (Seloka V89 Kitab Manawadharmasastra); Likewise in Christianity it is also forbidden to marry people of different religions

Based on the description above, the researcher concludes that in order to determine the validity of interfaith marriage, it is necessary to combine the normative rules as outlined in the provisions of Article 2 paragraph (1) and paragraph (2) of The Constitution of Marriage as an inseparable unit; and in the event that there are differences in nationality, then the principles of International Civil Law *lex loci celebrationis* must also be considered, which is a principle which means that marriage between pairs of prospective brides with different nationalities is only considered valid if it has been carried out under the laws of the country where the marriage is carried out.

The same is true in Malaysia, where after Malaysia's independence efforts to reform family law have covered all aspects related to marriage and divorce, not just registration of marriage and divorce as in the previous law. The effort was started in 1982 by Melaka, Kelantan and Negerisilan, which was then followed by other states. The current Islamic marriage law in Malaysia is a marriage law that complies with the statutory provisions of each country. Among these family laws: The 1983 Constitution of Malacca Islamic Family, the 1983 Constitution of Kelantan, the 1983 Constitution of Negeri Sembilan, the 1984 Constitution of Alliance Area, the 1984 Constitution (No.1) of Perak, the 1979 Constitution of Kedah, the 1985 Constitution of Penang, the 1985 Constitution of Trengganu, the 1987 Constitution of Pahang, the 1989 Constitution of Selangor, The 1990 Constitution of Johor, the 1991 Constitution of Sarawak, the 1992 Constitution of Perlis, and the 1992 Constitution of Sabah (Nasution, 2002).

In Malaysia, determining the validity of a marriage cannot be separated from the registration process. The Constitution of Marriage in Malaysia also requires registration or registration of marriages. The process of recording in principle is carried out after the marriage contract. There are three types of recording process (Hamdani, 2012);

1. For those who live in their respective countries, the recording is basically done immediately after the completion of the marriage contract, except for Kelantan, which stipulates seven days after the marriage contract and the registration is witnessed by the

guardian, two witnesses and the registrant. As stated in the Constitution of Pulau Pinang Article 22 Paragraph 1 is stated;
Selepas sahaja akad nikah sesuatu perkahwinan dilakukan, pendaftar hendaklah mencatat butir-butir yang ditetapkan dan ta'liq yang ditetapkan atau ta'liq lain bagi perkahwinan didalam daftar perkahwinan.

2. For Malaysian natives who marry at Malaysian embassies outside the country. The process of recording is in principle the same as the process for Malaysians getting married in their country. The difference is only in the registrant officer, that is, not the original applicant appointed by the state, but the applicant appointed at the Malaysian embassy or consul in the country concerned. As stated in the Constitution of Pulau Pinang Article 24 Paragraph 1;
(1) Tertakluk kepada subsyeksen.
(2) Perkahwinan boleh diakadkan mengikuti hukum syara oleh pendaftar yang dilantik dibawah seksyen.

In Article 28 paragraph 3 has stated :
"*Dikedutaan Suruhanjaya Tinggi atau pejabat konsul Malaysia dimana-mana Negara yang telah memberitahu kerajaan Malaysia tentang bentahannya terhadap pengakad nikahan perkahwinan di kedutaan Suruhanjaya Tinggi atau pejabat konsul itu."*

3. For Malaysians who live abroad and do not marry at the Malaysian embassy or consul in the country concerned. The process is for men who marry within six months after the marriage contract, registering with applicants appointed by the nearest embassy and consul. If the person concerned returns to Malaysia before the expiration of the six months, he / she may also register in Malaysia. This provision is based on the Constitution of Sarawak article 29 paragraph 1, the Constitution of Kelantan and the Constitution of Negeri Sembilan

Malaysian (marriage) Constitution also required (mandatory) a guardian in a marriage, without a marriage guardian it cannot be implemented. In Malaysian family law, in principle, the guardian of marriage is the guardian of the lineage. It's just that under certain conditions the position of guardian nasab can be replaced by a *Wali Hakim* (in Malaysia it is called *wali raja*). In Constitution of Malaysian, the minimum age of marriage is 16 for the bride and 18 for the bridegroom. This provision is based on The Constitution of Malaysian sounds: "*Had umur perkahwinan yang dibenarkan bagi perempuan tidak kurang dari 16 tahun dan laki-laki tidak kurang daripada 18 tahun. Sekiranya salah seorang atau kedua-dua pasangan yang hendak berkahwin berumur kurang daripada had umur yang diterapkan, maka perlu mendapatkan kebenaran hakim syariah terlebih dahulu*. (Hamdani, 2012)."

In the event that a husband and wife are going to divorce, according to Malaysian marriage law, several reasons for divorce must be fulfilled in the legislation of Muslim families in Malaysian countries similar to the reasons for the occurrence of *fasakh*. There are five reasons for the Constituion of Perak and pahang, namely:

a) the husband is impotent or has shoots of death;
b) the husband is crazy, has leprosy or vertiligo, or has a venereal disease that can be contagious, as long as the wife is not willing to these conditions;

c) the marriage license or consent of the wife (bride) was granted illegally, either because of forced forgetfulness, impeccable reason or other reasons according to the Syariat;
d) at the time of the marriage the husband has a nervous breakdown which is not suitable for marriage;
e) or other valid reasons for fasakh according to Syariah.

Marriage with different religions in Malaysia

Malaysia is a country based on an Islamic state. The laws are derived from or use Islamic law, although there are some sources of law that adopt and originate from British legal products, as it is known, Malaysia is a former colony of the British state, it is ironic if the laws do not take from the country's laws. In the case of family law in Malaysia, there are different legal rules, not all laws that apply in Malaysia are the same, but it depends on the laws of each area, especially family law issues.

Regarding the legal issue that is being researched, considering the Malaysian state which is based on Islam as well as in Indonesia, it seems that interfaith marriages are not legally recognized, which can be seen from the prohibition of interfaith marriages in Malaysia as contained in section 51 of the Deed of Law reform. (Marriage and Divorce) the fateful 1976:

> "If one of the parties to a marriage has converted to Islam, the other party who does not convert to Islam is allowed to divorce. On condition that no application under syeksen may be submitted before the end of three months from the date of conversion to Islam"
> "*If one of the parties to a marriage has converted to Islam, the other party who does not convert to Islam is allowed to divorce. On condition that no application under syeksen may be submitted before the end of three months from the date of conversion to Islam* (Hamdani, 2012)."

The Juridical Implication of International Marriage of Different Religions and Different Nationalities on the Inheritance Rights of Children in the Perspective of International Civil Law

The inheritance aspect cannot be separated from the 3 (three) components involved, namely: 1) Inheritance Components; 2) Inheritance Components; and 3) Heir Components. These components are related to one another. One of the most important components in human life and society in general is related to inheritance. Humans and society, for whatever reason, cannot be separated from it.

According to Islamic teachings, one's ownership of property cannot be separated from its relationship with social interests. Therefore, with regard to property, Islam brings a set of shari'a laws, namely, among others, the syari'at on Inheritance, Zakat, Infaq, Sadaqah, Grant, Endowments and Will. The will is one of the absolute authorities of the Religious court. The absolute power of the religious court is regulated in article 2 and article 49 of Law Number 7 of 1989 concerning religious courts which have been amended by Law Number 3 of 2006 concerning religious courts and then amendments to the second Law Number 50 of 2009. In article 2 Law Number 3 of 2006 states that the Religious Courts are one of the actors of judicial power for the people who seek justice who are Muslim regarding certain cases as referred to in this law. And in article 49 of Law Number 3 of 2006 it is stated that the religious court has the duty and authority to examine, decide, and resolve cases at the first level between people who are

Muslim in the field of: a. marriage; b. inheritance; c. will; d. grant; e. *wakaf*; f. *zakat*; g. *infaq*; h. *sodaqoh*; and i. Sharia economics.

Islamic inheritance law comes from the Koran, the Prophet's Sunnah, and ijtihad. In Islamic Inheritance Law there are 5 principles, namely:

1. Principle of Ibari
   The principle of Ibari, in Indonesian it is called the principle of "forcing", and in English it is called the principle of "compulsory" which means that the principle contained in Islamic inheritance creates a process of transferring property from a deceased person to his heir by himself according to Allah's decree (Thaib, 2012).
2. Bilateral Principle
   Bilateral Principle (tweezijdig) is a principle that applies reciprocally, both for men and women. The point is that a person receives a right or part of the inheritance from both parties, both from male relatives and female relatives.
3. Individual Principles
   The individual principle that is meant here is that the inheritance that will be distributed to individual heirs is to be owned by each heir absolutely.
4. Balanced Justice Principle
   The principle of balanced justice means that a person will obtain inheritance rights in proportion to his belief.
5. The principle of inheritance occurs only when someone dies.
   The provisions of inheritance in the Islamic Law Compilation (KHI) will only occur if the heir has passed away, and the heir is still alive when the heir dies (Thaib, 2012).

Inheritance is all that is left by simayit or in the sense of what is present at the time of death, while inheritance is a legacy that is legally entitled to receive by his heirs. An heir is a person who is entitled to an inheritance left by a person who has died (Sudarsono, 1992). or people who have kinship or marital relations with the deceased heir.

Interfaith marriage referred to in this study is an international marriage between followers of religions where the prospective bride and groom adhere to a different religion. The Constitution of Marriage and Government Regulation Number 9 of 1975 do not regulate international interfaith marriages, but only regulate marriages between foreign nationals and Indonesian citizens, or often referred to as mixed marriages.

According to the provisions of Article 57 of The Constitution of Marriage, what is meant by mixed marriage is a marriage between two people who in Indonesia are subject to different laws, because of differences in nationality, one party is a foreign citizen and the other party is an Indonesian citizen. The compilation of Islamic Law does not regulate it explicitly. In the compilation discourse, what is seen in the case of mixed marriages is the religious law and beliefs of the prospective bride and groom. In the provisions of article 58 of The Constitution of Marriage, it is stipulated that people of different nationalities who conduct mixed marriages can obtain citizenship from their husband / wife and may also lose their citizenship, according to the methods stipulated in the applicable citizenship law of the Republic of Indonesia.

If a marriage contains foreign elements, it means that the type of marriage will be controlled by International Civil Law, not necessarily under internal civil law, in this case The Constitution of Marriage automatically. Based on these reasons, if there is a type of marriage with a different religion in which it contains foreign elements due to differences in nationality, it means that the marriage is an international marriage, so that it is included in the realm of International Civil Law.

Considering that Indonesia and Malaysia are predominantly Muslim countries, in terms of interfaith marriages and different nationalities, where one of the prospective brides is Muslim, this will clearly have implications for the issue of inheritance.

The Indonesian state and the Malaysian state do not provide a place for interfaith marriages, but in fact there are many interfaith marriages and even different nationalities.

Article 40 Compilation confirms:

It is prohibited to enter into marriage between a man and a woman due to certain conditions:

1. *Because the woman in question is still married to another man;*
2. *A woman who is still in 'iddah' with another man.*
3. *A woman who is not Muslim.*

Article 44 Compilation Affirms:

"A Muslim woman is prohibited from getting married to a man who is not a Muslim"

Based on the provisions of Article 40 and Article 44 of the compilation above, in the event that interfaith marriages occur, and one of the prospective brides is Muslim, then marriages between Muslims and non-Muslims are not allowed. Based on the results of the research, it was found that when the marriage was carried out and recorded, the prospective bride and groom had merged into Islam, but after getting married it turned out that one of the husband or wife returned to their original religion, so this would have implications for the child's position as heirs in terms of inheritance have been exposed.

Islamic law recognizes two kinds of heirs, namely: first, nasabiyah heirs, namely heirs whose inheritance relationships are based on blood relations (kinship; and second, namely: awris sababiyah experts, namely heirs whose inheritance relationships are due to marriage and freedom of slaves (Rofiq, 2013).

In relation to interfaith and different nationality marriages, which often occur in tourist destination areas such as Bali, there are many problems with inheritance disputes left by married couples who have interfaith marriages, as can be seen in the Court's decision. Religion of Badung Bali-Indonesia number: 4/Pdt.P/2013/PA.Bdg dated March 7, 2013, where religious differences are not a barrier to receiving inheritance. Religious differences between heirs and heirs are no longer a barrier to inheritance. However, the results of the ijtihat of religious court judges have not been accepted by the ulama and Muslim community in Indonesia, so that it has created shocks among the community, both among the academic community and the santri community, even among the religious judges themselves. Even so, the breakthrough steps taken by religious judges by using compulsory will in resolving inheritance issues for different religions have received highly commendable appreciation from those who fight for egalitarianism and pluralism in Indonesia (Sujana, 2020).

Viewed from the point of view of International Civil Law, children born from international marriages whose parents' marriage has been carried out according to the law where the marriage was carried out (fulfills the principle of lex loci selebrationis) and for Indonesian Citizens (WNI) does not violate the provisions of The Constitution of Marriage, then children who are born are legal children, so they also have the right to be the heirs of their parents in the event that their parents have passed away.

CONCLUSION

1. The legality of interfaith marriages in Indonesia and in Malaysia is not recognized, but in the event of international marriages between religions and different nationalities, to determine their validity, they must combine normative rules as outlined in the provisions of article 2 paragraph (1) and paragraph (2) of the Law. Marriage as an integral part of the law is inseparable from the principles of International Civil Law (HPI) lex loci celebrationis, which is a principle which means that a new marriage is considered valid if it has been carried out under the laws of the country where the marriage took place.
2. The juridical implication of international interfaith marriage on the inheritance rights of children according to Indonesian law and Malaysian law seen from international civil law is to place the child as the legal heir, even though there are differences in religion as long as the marriage has been carried out in accordance with the applicable law where the marriage is carried out (fulfills the principle of lex loci selebrationis), then children who are born will become legal heirs, even though they are of different religions.

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